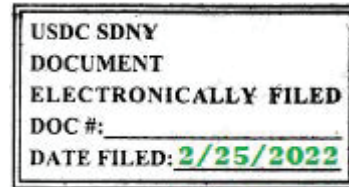


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Giroto,

Plaintiff,

—v—

HIMI NY Corp. et al.,

Defendants.

19-cv-10539 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

According to the proof of service filed on December 25, 2021, Defendant's answer or other response to the complaint was due on or before December 14, 2021. Dkt. No. 53. As of this date, the Court is not in receipt of Defendant's answer.

Within two weeks of this order, Plaintiff shall seek a certificate of default and move for default judgment against Defendant pursuant to this Court's Individual Practices in Civil Cases or file a status update with the Court explaining why a motion for default judgment against Defendant should not be filed at this time. Plaintiff is on notice that failure to do so by this date may result in his claim being dismissed with prejudice for failure to prosecute. *See United States ex rel. Drake v. Norden Systems*, 375 F.3d 248, 250 (2d Cir. 2004) (noting "a district judge's authority to dismiss actions based on a plaintiff's failure to prosecute"). By March 4, 2022, Plaintiff must serve this order on Defendant and file proof of service on ECF.

SO ORDERED.

Dated: February 24, 2022  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

ALISON J. NATHAN  
United States District Judge